

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENUS PHARMACEUTICALS, LLC,

Plaintiff,

v.

HETERO USA, INC., HETERO LABS LTD.,
and HETERO LABS LTD. UNIT-VI,

Defendants.

C.A. No. 24-1025-JLH

MOTION FOR TELECONFERENCE TO RESOLVE DISCOVERY DISPUTES

Plaintiff Ingenuus Pharmaceuticals LLP (“Ingenuus” or “Plaintiff”) respectfully moves the Court to schedule a teleconference to address outstanding disputes regarding the following discovery matters:

- The refusal by Defendants Hetero USA, Inc., Hetero Labs Ltd., and Hetero Labs Ltd. Unit-VI (together, “Hetero” or Defendants”) to substantively respond to Plaintiff’s Interrogatory Nos. 1-3, 5-8, and 11, and produce documents in response to Plaintiff’s Requests for Production Nos. 2, 5-10, 13-14, 16-18, 21, 23-24, 26, 28-35, concerning, *inter alia*: the consideration and development of Defendants’ ANDA Product. Although Hetero represented in April that it has “agreed to produce all documents related to the research and development of its ANDA product,” and the Court relied on this representation in its Order of April 28, 2025, Hetero has failed to produce these documents or substantively respond to Plaintiff’s interrogatories, in violation of this Court’s Order (D.I. 42 at 1; D.I. 43(Oral Order));

- The refusal by Hetero to produce all documents related to its “paragraph IV certification and an org chart with employee names,” in violation of this Court’s Order (D.I. 43(Oral Order));
- The refusal by Hetero to produce samples of its Cyclophosphamide Solution; 500mg/2.5ml (200mg/ml), 1gm/5ml (200mg/ml), and 2gm/10ml (200mg/ml) in response to Plaintiff’s Requests for Production Nos. 40-41; and
- Defendants’ refusal to provide any dates in response to the proposed stipulation and order amending the case schedule, which was provided to Defendants on September 16, 2025.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in verbal meet-and-confers by telephone with respect to the first three issues on September 10 and September 15, 2025:

Delaware Counsel:

- Daniel A. Taylor (Ingenus)
- Cortlan S. Hitch (Hetero)

Lead Counsel:

- L. Roman Rachuba (Ingenus)
- Wesley E. Weeks (Hetero)

As to the fourth issue (proposed scheduling order dates), the parties have not met and conferred on specific dates for a revised case schedule. Plaintiff has shared proposed dates with Defendants and requested a meet and confer with Defendants’ counsel on October 7, and October 10, 2025, via email. After having received no response to this request, Plaintiff again contacted two of Defendant’s attorneys via telephone on October 15, 2025. Again, Defendants failed to

respond. Given Defendants' refusal to engage in the meet and confer process to propose a revised case schedule, Plaintiff requests the Court's assistance.

Since Defendants have refused to meet and confer with Plaintiff on the proposed case schedule, Plaintiff is unable to provide proposed dates for a teleconference.

Dated: October 17, 2025

Of Counsel:

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